

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**RETIREE COMMITTEE’S RESPONSE TO SYNCORA’S
“SUPPLEMENTAL STATEMENT” IN SUPPORT OF ITS MOTION TO CONTINUE
THE HEARING AND EXTEND RELATED DEADLINES**

The Official Committee of Retirees of the City of Detroit, Michigan (the “Committee”) files this Response to Syncora’s Supplemental Statement to correct a misrepresentation made by Syncora therein. The Committee filed an opposition to Syncora’s original motion to continue the hearing (Docket No. 6282), in which it explained why a continuation could prejudice the retirees’ interests. The Committee refers to and incorporates herein the arguments made in that opposition.

In the Supplemental Statement, Syncora argues the following as one basis supporting continuation of the hearing:

Finally, on July 22, 2014, Syncora received three expert reports by Stuart I. Wohl, Howard Atkinson, Jr., and Kim Nicholl, respectively, on behalf of the Retiree Committee in support of the Debtor’s proposed Plan—*two weeks after* the deadline established by the Court.

(Paragraph 6) (emphasis in original).

Syncora’s assertion that the Retiree Committee’s expert reports were served two weeks after the Court-imposed deadline is not accurate. Since May 9, 2014, the Court’s scheduling deadlines have allowed the Committee (and some other settling parties) to serve expert reports in

support of the Plan on a different schedule than the City and objecting parties. On May 9, the Court entered a Stipulation and Order to govern the discovery deadlines between a number of parties, including the Committee. That Stipulation and Order required the Committee to serve Plan-supporting expert reports on July 17, provided that certain funding commitments were satisfied. (Docket No. 4587). On June 20, 2014, the Court modified that schedule by entering a Stipulation and Order that: (a) reflected that the funding commitments had been satisfied, and (b) better aligned the due date for the expert reports with the disclosure of the results of retiree voting on the Plan of Adjustment. (Docket No. 5482) Paragraph 3 of that Stipulation makes clear that the due date for the Committee to serve expert reports in support of the Plan was July 22:

If the Funding Commitments occur on or before June 20, 2014, the Non-City Parties shall have until . . . July 22, 2014 to file and serve their expert reports.

The later deadline was necessary because it would be unknown whether the retirees (and the Committee) would be supporting the Plan—and therefore submitting supporting expert reports—until Plan voting results were made public on July 21.

Importantly, Syncora had an opportunity to object to either or both of these proposed stipulations, but chose to stand silent. It should not be heard to complain about them now. And there is no basis to characterize those reports as “two weeks” late.

In short, the Committee does not believe the hearing should be moved for the reasons identified in its earlier-filed opposition to Syncora’s motion to continue. Nor do any supposedly late-served expert reports provide a basis to impose a delay.

Dated: July 28, 2014

Claude Montgomery
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Respectfully submitted,

By: /s/ Sam J. Alberts

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CERTIFICATE OF SERVICE

I, Sam Alberts, hereby certify that the foregoing document was filed and served via the Court's electronic case filing and noticing system on July 28, 2014.

By: /s/ Sam Alberts
Sam Alberts